

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

Coosa River Basin Initiative;  
Raymond J. Perkins, Jr., and J. Perkins  
Farms, LLC

Plaintiffs,

v.

3M Company; EIDP, Inc. f/k/a E.I.  
DuPont de Nemours and Company;  
The Chemours Company; Corteva,  
Inc.; INV Performance Surfaces, LLC;  
Daikin America, Inc.; Shaw Industries,  
Inc.; Shaw Industries Group, Inc.;  
Aladdin Manufacturing Corporation;  
Mohawk Industries, Inc.; Mohawk  
Industries, LLC; The City of Dalton,  
Georgia, acting through its Board of  
Water, Light and Sinking Fund  
Commissioners d/b/a Dalton Utilities,

Defendants.

Civil Action No. 4:25-cv-00075-AT

**SHAW INDUSTRIES GROUP, INC. AND SHAW INDUSTRIES, INC.’S  
RESPONSE TO THE CITY OF DALTON’S MOTION TO STAY**

Defendants Shaw Industries Group, Inc. and Shaw Industries, Inc. (collectively, “Shaw”), file this response to the City of Dalton, Georgia, acting through its Board of Water, Light and Sinking Fund Commissioners, d/b/a/ Dalton

Utilities' Motion to Stay [ECF Doc. No. 60] and Memorandum of Law in support [ECF Doc. No. 60-1] ("Dalton's Motion to Stay"),<sup>1</sup> and show the Court as follows.

1. Shaw has not yet answered or responded to the Complaint in this action, and will do so by June 17, 2025, pursuant to the Court's Order. *See* ECF Doc. No. 56. Shaw expressly retains and does not waive any defense it has or may have in this action.

2. Shaw objects to and disputes many of the allegations and assertions of liability included in Dalton's Motion to Stay. Shaw will not take the time to set forth all of those objections here except to deny any allegation in Dalton's Motion to Stay as to Shaw's liability or damages caused. Shaw will file a response and/or motion to dismiss the Complaint in this action, pursuant to the Court's Order. *Id.*

3. Despite the above, Shaw agrees that this Court should exercise its inherent authority to stay the present case pending the resolution of a parallel lawsuit, *The City of Dalton v. 3M Company, et al.*, United States District Court Northern

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<sup>1</sup> On May 29, 2025, certain defendants in this action (the "Supplier Defendants") filed a separate motion to stay and brief in support, in which they disagreed with some of the factual statements and implications of liability in Dalton's Motion to Stay but agreed that such issues should be resolved in the Dalton Action (defined herein) and that a stay of this action is appropriate. *See* ECF Doc. Nos. 76, 76-1. As with Dalton's Motion to Stay, Shaw agrees with the relief requested in the Supplier Defendants' motion.

District of Georgia, Civil Action No. 4:24-cv-00293-WMR (the “Dalton Action”).

This Court should stay the present action because:

- The Dalton Action was filed and was pending before Judge Ray in the Northern District of Georgia, prior to the filing of the present action.
- Most of the claims in the present action and the Dalton Action are similar and overlapping in many respects.
- The defendants in the present action and the Dalton Action are overlapping, except that the plaintiffs in the present action included additional affiliated corporate entities as defendants: Corteva (which plaintiffs allege is affiliated with DuPont) and two Mohawk entities (which plaintiffs allege are affiliated with Aladdin).
- Both the present action, and the Dalton Action concern the same property – the Dalton Utilities’ Land Application System (“LAS”). Allowing the present action to proceed would create duplicative litigation and risk conflicting rulings as to the LAS or other legal issues. *See e.g., Colo River Water Conservation Dist. v. United States*, 424 U.S. 800, 816 (1976) (federal courts should strive “to avoid duplicative litigation.”); *Tomco Equip. Co. v. Se. Agri-Sys., Inc.*, 542 F. Supp. 2d 1303, 1312 (N.D. Ga. 2008) (same); *UkoalaBag, Inc. v. UUB, LLC*, No. 2:23-CV-4-RWS, 2023 WL 11807820, at \*4 (N.D. Ga.

May 26, 2023) (stay warranted to “avoid the inefficiency of duplication, the embarrassment of conflicting rulings, and the confusion of piecemeal resolutions where comprehensive results are required.”) (*citations omitted*).

Moreover, this Court has an interest in preserving its resources and avoiding duplication and inefficiency related to all of the State law claims and defenses in these actions.

- In the Dalton Action, Dalton Utilities has asserted CERCLA claims against the defendants. While Shaw, and the other defendants have moved to dismiss those claims on a variety of grounds, the mere existence of those CERCLA claims in the Dalton Action necessitates the stay of this case while those CERCLA claims are resolved.
- Dalton Utilities – the property owner and operator of the LAS, rather than the plaintiffs in the present action, has control over the LAS.

## **CONCLUSION**

For all the foregoing reasons, Shaw responds to Dalton’s Motion to Stay, and agrees the present action should be stayed pending resolution of the Dalton Action.

Respectfully submitted this 29<sup>th</sup> day of May, 2025.

/s/ Jennifer B. Dempsey  
Jennifer B. Dempsey  
Georgia Bar No. 217536  
[jennifer.dempsey@bclplaw.com](mailto:jennifer.dempsey@bclplaw.com)  
Ann W. Ferebee  
Georgia Bar No. 431941  
[ann.ferebee@bclplaw.com](mailto:ann.ferebee@bclplaw.com)  
McClellon D. Cox III  
[mcclellon.cox@bclplaw.com](mailto:mcclellon.cox@bclplaw.com)  
Georgia Bar No. 967588  
**BRYAN CAVE LEIGHTON PAISNER  
LLP**  
One Atlantic Center — Fourteenth Floor  
1201 W. Peachtree St., N.W.  
Atlanta, Georgia 30309  
Telephone: (404) 572-6600  
Fax: (404) 572-6999

*Counsel for Defendants Shaw Industries,  
Inc. and Shaw Industries Group, Inc.*

**CERTIFICATION UNDER L.R. 7.1.D.**

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is a computer document and was prepared in Times New Roman 14 point font, as mandated in Local Rule 5.1.C.

/s/ Jennifer B. Dempsey

Jennifer B. Dempsey  
Georgia Bar No. 217536

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

COOSA RIVER BASIN INITIATIVE;  
RAYMOND J. PERKINS, JR., and J.  
PERKINS FARMS, LLC,

Plaintiffs,

v.

3M COMPANY, et al.,

Defendants.

Civil Action No.:  
4:25-cv-00075-AT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 29, 2025, I electronically filed the foregoing  
**SHAW INDUSTRIES GROUP, INC. AND SHAW INDUSTRIES, INC.'S  
RESPONSE TO THE CITY OF DALTON'S MOTION TO STAY** with the  
Clerk of Court by using the CM/ECF system which has notified all counsel of record.

/s/ Jennifer B. Dempsey

Jennifer B. Dempsey  
Georgia Bar No. 217536  
E-Mail: [jennifer.dempsey@bclplaw.com](mailto:jennifer.dempsey@bclplaw.com)  
BRYAN CAVE LEIGHTON PAISNER LLP  
One Atlantic Center – 14<sup>th</sup> Floor  
1201 West Peachtree Street NW  
Atlanta, Georgia 30309  
Telephone: (404) 572-6600  
Facsimile: (404) 572-6999

*Counsel for Defendants Shaw Industries, Inc.  
and Shaw Industries Group, Inc.*